240

November 1894, and that the aggregate amount of sale is twenty one hundred and eight dollars and sixty cents (\$2108.60), and your petition prays that the said sale may be ratified and confirmed by Your Honorable Court, all of which is respectfully submitted.

Wincent Sebold

Solicitor for Petitioner,

State of Maryland, Frederick County, to-wit!

I hereby certify that on this 19th day of February in the year Mineteen Hundred and Seven, before me, the subscriber, a Justice of the Peace of the State of Maryland, in and for Frederick County, aforesaid, personally appeared James T. Hays, Mortgages, the petitioner, and made oath in due form of law, that the matters and things set forth in the aforegoing petition and report of sale are true as therein set forth and that the said sales were fairly made.

M.F. Shuff J.P.

EXHIBIT NO 1".

At the request of James T. Hays the following Mortgage is received for record and recorded December 5,1889 at 11 0 Clock 30 minutes A.M.

Test: W. irving Parsons, Vlerk.

This Mortgage made this twenty eighth day of November in the year Eighteen hunddred and eighty name by us Anna R.Heiner, Elizabeth Heiner, Mary J.Heiner, Julia Ann
Miller and William F.Miller her husband all of Frederick County State of Maryland,
WITNESSETH, whereas the said Anna R.Heiner, Elizabeth Heiner, Mary J.Heiner, Julia Ann
Miller and William F.Miller her husband stands indebted on their joint and several
promissory note unto James T.Hays in the sum of Seven hundred and fifty dollars of
even date herewith payable to the said James T.Hays one year after date with interest from date, and for the purpose for better securing the payment of the promissory
note aforesaid at maturity and the interest thereon this mortgage is executed.

Now therefore in consideration of the above recited premises, and one dollar in hand paid the receipt of which is hereby acknowledged, we the said Anna R. Heiner, Elizabeth Heiner, Mary J. Heiner, Julia Ann Miller and William F. Miller, her husband, do grant in fee simple unto the said James T. Hays all that tract, part of a tract, piece or parcel of land, situated lying and being in Frederick County State of Maryland, being part of a tract of land called "Messners Content" and containing one hundred and thirty acres of land, more or less, it being the same part of a tract of land con veyed to Henry Heiner by Fraderick Loy by deed bearing date of the 14th day of December in the year 1821, and recorded in Liber J.S.No.15, folio 170 & 171 &c, One of the Land Records of Frederick County as by reference to said deed a full and partic ular description of said part of a tract will appear, and it being the same real estate which the said Henry Heider late of Frederick County deceased, devised by his last will and testament to his wife Catherine Heiner and his children the said Anna R.Heider, Elizabeth Heiner, Mary J.Heiner and Julia Ann Miller, share and share alike, as by reference to said will recorded in Liber S.G.C.No.1, folio 243, one of the Testementary Records in the office of the Register of Wills of Frederick County Will appear; the said Catherine Heiner having since died intestate, her interest in the said real estate desended to her children and heirs at law, the said Anna R. Heiner, Elizabeth Heiner, Mary J. Heiner and Julia Ann Miller.

Ann Miller and William F.Miller her husband shall pay to the said James T. Hays the promissory note aforesaid at maturity with the interest thereon then this mortgage shall be void. Provided, that untill default of payment of the said Joint and several promissory note, at maturity with the interest thereon the said mortgagers shall possess the said mortgaged premises as of their present estate therein, and provided that if default shall be made in the payment of the promissory note aforesaid or of